

## **PSJ9 Exh 57**

Steven W. Schierhoff, Esq.  
Executive Director



STATE OF  
**OHIO**  
BOARD OF PHARMACY

John R. Kasich  
Governor

PSI-Schoen  
Exhibit  
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192386-CAK 9/5/2018

SUMMARY SUSPENSION/ NOTICE OF OPPORTUNITY FOR HEARING

IN THE MATTER OF:

CASE NO. 2015-1809

Thomas Ohliger, R.Ph.  
25699 Woodpath Trail  
Westlake, OH 44145

License No. 03-1-16123

October 6, 2015

Dear Thomas Ohliger,

You are hereby notified, in accordance with Section 119.07 of the Revised Code, the Ohio State Pharmacy Board (Board) hereby summarily suspends Thomas Ohliger's Ohio license as a pharmacist, under authority of Section 3719.121(B) and 4729.16 of the Revised Code.

JURISDICTION

1. Records of the Board indicate that you were originally licensed in the State of Ohio November 6, 1985, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
2. The Ohio State Board of Pharmacy (Board) has the authority to pursue a summary suspension of a pharmacist's license pursuant to Section 3719.121 and to pursue discipline of a pharmacist license pursuant to Section 4729.16 of the Ohio Revised Code.

ALLEGATIONS

1. You, Thomas Ohliger, are engaged in conduct that provides clear and convincing evidence that continuation of your professional practice presents a danger of immediate serious harm to others set forth in Section 3719.121(B) of the ORC, to wit:
  - a. On September 29, 2015, you called the Board and stated you had been robbed of your keys to your pharmacy, Ohliger Drug of Fairview Park, a retail pharmacy licensed by the Board under license number 020125250.
  - b. On September 29, 2015, an Agent and Regional Supervisor of the Board responded to the pharmacy to investigate the current state of security at the pharmacy and the security of the dangerous drugs contained within the pharmacy.
  - c. During the inspection, you struck an Agent of the Board about the body with your hand

*OCT Credit on SALES*

77 South High Street, 17th Floor, Columbus, Ohio 43215

T: (614) 466.4143 | F: (614) 752.4836 | [contact@pharmacy.ohio.gov](mailto:contact@pharmacy.ohio.gov) | [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)



- d. While a Supervisor of the Board spoke with police officers dispatched to the pharmacy, you took Board issued property, a laptop, without consent. The supervisor was able to complete the inspection once the property was returned.
- e. On October 5, 2015, you appeared before the Cuyahoga County Court of Common Pleas on case number CR-15-598271-A where you were indicted on seven (7) counts of illegal processing of drug documents and eight (8) counts trafficking. During the hearing, you were referred to the court psychiatric clinic to determine your competency to stand trial.

#### POTENTIAL VIOLATIONS OF LAW

1. Based on the information set forth in paragraph (1) of this section, the Board is immediately suspending your license pursuant to Section 3719.121(B) of the Revised Code. This suspension shall remain in effect until the board holds an adjudicatory hearing under Chapter 119. of the Revised Code.
2. Such conduct as set forth in paragraph (1)(c) if proven, constitutes assault, in violation of Section 2903.13(A) of the ORC, a misdemeanor of the first degree, punishable by a fine of up to \$1,000.
3. Such conduct as set forth in paragraph (1)(d) if proven, constitutes theft, in violation of Section 2913.02(A)(1) of the ORC, a misdemeanor of the first degree, punishable by a fine of up to \$1,000.
4. Such conduct as set forth in paragraph (1) if proven, constitutes the following violations of the ORC, each being a minor misdemeanor, each punishable by a maximum fine of \$150:
  - i. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2); and/or
  - ii. Guilty of wilfully violating any of provisions of this chapter, sections 3715.52 to 3715.72 of Revised Code, Chapter 2925. Or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(5)
5. Such conduct as set forth in paragraphs (1) if proven, constitutes the following violations of the Ohio Administrative Code (OAC), each punishable by a maximum fine of \$500:
  - i. Not being of good moral character and habits, OAC Rule 4729-5-04(C)

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio State Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.


IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30<sup>th</sup> day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.



If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY

  
Steven W. Schierholt, Esq., Executive Director

SWS/rlc  
RMRRR: